REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 6-25 are pending in the application. Original claims 1-5 have been cancelled and replaced with new claims 6-25 which are believed to better define the claimed invention over the art. The specification and Abstract have been revised to conform with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The objection to the specification is believed overcome in view of the above amendments.

The *35 U.S.C. 103(a)* rejection of claims 1-5 as being obvious over *Yoda* (U.S. Patent No. 4,077,300) in view of *Mizuno* (U.S. Patent No. 6,560,819) is traversed, because the references are not combinable in the manner the Examiner proposed.

In particular, the Examiner stated that it would have been obvious to substitute the inclined upward surface shown in FIG. 7c of *Mizuno* for the vertical surface found adjacent element 9 of *Yoda* for the purpose of further securing the grommet to the substrate. Applicants respectfully disagree.

FIGs. 7 of *Mizuno* show various configurations for upper part 6 of latch pawl 5. *See* column 4, lines 4-7 and FIG. 5 of *Mizuno*. A person of ordinary skill in the art would at once recognize that latch pawl 5 of *Mizuno* corresponds to engaging projection 5 of *Yoda* because they are both radially flexible to allow inserting of the respective grommets into the receiving opening and function to prevent withdrawal of the respective grommets from the openings. Therefore, the upper part 6 of latch pawl 5 of *Mizuno* corresponds to the upper part (designated at C in attached *Exhibit A* which is an enlarged copy of FIG. 3 of *Yoda*) of *Yoda*'s engaging projection 5. The

person of ordinary skill in the art would have been motivated, if at all, only to substitute the inclined upper portion 6 of *Mizuno* for its counterpart, i.e., the upper portion C of *Yoda* to obtain a slanted surface designated at A in *Exhibit A*. This modification would leave the vertical surface section B (*Exhibit A*) of *Yoda* intact, and hence, would fail to teach or disclose the originally claimed inclined outer surface portion.

Accordingly, Applicants respectfully submit that the references are not combinable in the manner the Examiner proposed, and that if the references were properly combined, they would fail to teach or disclose the originally claimed invention. Solely for the purpose of expediting prosecution, the original claims have been canceled and new claims 6-25 have been added to specifically define the invention over the art.

New independent claim 6 is drawn to a grommet adapted to be inserted into an opening of a sheet member having opposite upper and lower surfaces, said grommet comprising: a shank extending in an axial direction of said grommet and having opposite upper and lower ends; at least **a locking tab coupled to said shank** between the upper and lower ends of said shank and radially flexible relative to said shank; and a head connected to the upper end of said shank and comprising a flange adapted to engage the upper surface of the sheet member when said shank and said locking tab are snapped into the opening; wherein **said shank comprises a shoulder** in a region adjacent the head, said shoulder being adapted to be placed below an edge of the opening when said shank is moved transversely to said axial direction after being snapped into the opening, thereby preventing withdrawal of said shank from said opening; and an outer surface section inclined relative to the axial direction and connecting said shoulder and the lower surface of said head, for engaging the edge of the opening and drawing said shank into the opening when said shank is moved transversely to said axial direction.

In other words, claim 6 requires that the shank and the locking tab be two portions of the grommet one (locking tab) being radially flexible relative to another (shank), and that the shoulder

be part of the shank, rather than the locking tab. The applied references do not fairly teach or suggest the highlighted limitations. More specifically, in both *Yoda* and *Mizuno*, the shoulders (the upper portion of *Yoda*'s projection 5 and element 7 of *Mizuno*) constitute part of the respective locking tabs, rather than the shanks (element 3 of *Yoda* and element 2 of *Mizuno*). Accordingly, Applicants respectfully submit that new independent claim 6 is patentable over the references.

Claims 7-20 depend from claim 6, and are considered patentable at least for the reason advanced with respect to claim 6. Claims 7-20 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

For example, as to claim 8, the references as applied by the Examiner fail to disclose, teach or suggest that the locking tab has an upper end **free of any direct attachment with said shank.** *Yoda* modified by *Mizuno* in the manner the Examiner proposed would still include direct attachment between upper portion C (*Exhibit A*) of projection 5 and shank 3 as designated at D in *Exhibit A*.

As to claim 9, the references as applied by the Examiner fail to disclose, teach or suggest that the shoulder a width that decreases along the longitudinal extent thereof. *Yoda* modified by *Mizuno* in the manner the Examiner proposed would include shoulder 7 of *Mizuno* which appears to have a consistent width as best seen in FIG. 4 of *Mizuno*.

As to claim 10, the references as applied by the Examiner fail to disclose, teach or suggest that the region of said shank with said shoulder is **less radially flexible than said locking tab.** In both references, the shoulders are part of the locking tabs and must have the same flexibility.

As to claim 13, the references as applied by the Examiner fail to disclose, teach or suggest that said shoulder is approximately **triangular** in shape. *Yoda* modified by *Mizuno* in the manner the Examiner proposed would include shoulder 7 of *Mizuno* which appears to be rectangular.

As to claims 14-17, the references as applied by the Examiner fail to disclose, teach or suggest that said shank has an approximately rectangular cross section in the region adjacent to said head, and comprises said shoulder and said outer surface section in a **corner portion** of the approximately rectangular cross section. In both references, the shoulders (e.g., element 7 of *Mizuno*) are located in the middle of the sides of the shank, rather than at the shank's corners.

As to claim 20, the references as applied by the Examiner fail to disclose, teach or suggest that said shoulder is **not part of any of said locking tabs**. In contrast, the references require the shoulders (e.g., element 7 of *Mizuno*) to be part of the locking tabs.

New independent claim 21 is drawn to a grommet adapted to be inserted into an opening of a sheet member having opposite upper and lower surfaces, said grommet comprising: a shank extending in an axial direction of said grommet and having opposite upper and lower ends; a head connected to the upper end of said shank and comprising a flange adapted to engage the upper surface of the sheet member when said shank is inserted into the opening; wherein said shank comprises a shoulder in a region adjacent the head, said shoulder being adapted to be placed below an edge of the opening when said shank is moved transversely to said axial direction after being inserted into the opening, thereby preventing withdrawal of said shank from said opening; and an inclined outer surface section connecting said shoulder and the lower surface of said head, for engaging the edge of the opening and drawing said shank into the opening when said shank is moved transversely to said axial direction, wherein **said inclined outer surface section extends continuously, radially inwardly and upwardly from said shoulder to the lower surface of said head.**

Yoda fails to teach or disclose the claimed inclined outer surface section. *See* element B in *Exhibit A*. *Mizuno* fails to disclose the inclined outer surface section extending continuously, radially inwardly and upwardly from said shoulder to the lower surface of said head. *See* the space between pawl 5 and head 1 in FIG. 3 of *Mizuno*. The references, when properly combined as

argued with respect to original claim 1 would still include the vertical surface B of *Exhibit A*, failing to teach or disclose the claimed inclined outer surface section. Therefore, new claim 21 is patentable over the references. Dependent claim 22 should be considered patentable for at least the same reason.

New independent claim 23 includes limitations similar to claim 21 and should be considered to be patentable for at least the reasons advanced with respect to claim 21. Likewise, dependent claims 24-25 should be considered patentable.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Application No.: 10/767,743 **Docket No.: 713-1009**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111 BJH/KL/klb
(703) 518-5499 Facsimile
Date: March 11, 2005

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